

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

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| IN RE: EXCHANGE OF TRANSIT TRAFFIC | DOCKET NOS. SPU-00-7 TF-00-275 (DRU-00-2) |
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ORDER CANCELING HEARING

(Issued August 7, 2002)

On June 11, 2002, the Rural Iowa Independent Telephone Association (RIITA) filed a letter with the Utilities Board (Board) objecting to the Board's May 13, 2002, invoice to RIITA following the final order in this docket. RIITA filed its objection pursuant to Iowa Code § 476.10 (2001 Supp.). RIITA asserts that as an intervenor in the proceeding it should not be assessed a portion of the costs of the proceeding. RIITA also asserts that Qwest Corporation (Qwest), as the original filing party, should bear the responsibility for any direct costs of the proceedings. In addition, RIITA states that the recent amendment to Iowa Code § 476.10, which allows for direct assessments against parties other than public utilities, cannot be applied retroactively to include RIITA in the cost assessment.

Iowa Code § 476.10 provides that "[u]pon receipt of an objection, the board shall set the matter for hearing and issue its order in accordance with its findings in the proceeding." Accordingly, on June 28, 2002, the Board issued an order setting this matter for hearing on August 13, 2002, and further providing that any party to the

docket which participate in this matter to a greater extent than cross-examination of other parties' witnesses should file a prehearing brief and a witness list on or before July 30, 2002.

As of the date of this order, no prehearing briefs or witness lists have been filed and there will therefore be no witnesses at the August 13, 2002, hearing. No purpose will be served by holding the hearing and it is canceled. The Board will consider RIITA's objection as stated in its pleading and will issue a decision on the objection in due course.

IT IS THEREFORE ORDERED:

The hearing in this docket scheduled for Tuesday, August 13, 2002, is canceled.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 7th day of August, 2002.